

would not pay the bond because they did not want to enforce the temporary restraining order. *See* Ex. 1-A.

2. Plaintiff served RREF with citation on October 14, 2014. Ex. 1-B.

II. BASIS FOR REMOVAL

3. This is a civil action that is subject to removal under 28 U.S.C. § 1441 as the Court has original jurisdiction pursuant to 28 U.S.C. § 1332.

4. This Court is appropriate for purposes of removal under 28 U.S.C. § 1441(a) because this district and division embrace the place in which the removed action has been pending.

5. Removal of this action is proper because (1) complete diversity exists between Plaintiffs and Defendant, both at the time this lawsuit was filed in state court and at the time of removal, and (2) the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332(a); *Aetna Casualty & Surety Co. v. Hillman*, 796 F.2d 770, 773 (5th Cir. 1986).

A. There is complete diversity.

6. A defendant may remove any civil action from state court to federal court if the action is one over which the federal court possesses original jurisdiction. *See* 28 U.S.C. § 1441(a)

7. Here there is complete diversity between the parties.

8. Plaintiff Anthony Skloss is an individual Texas resident residing in Hidalgo County, Texas. **Ex. 1-C** at p. 2.

9. Plaintiff Susan Skloss is an individual Texas resident residing in Hidalgo County, Texas. **Ex. 1-C** at p. 2.

10. Anthony Skloss and Susan Skloss conduct business as Southern Ag Farms. **Ex. 1-C** at p. 2.

11. As alleged by Plaintiffs, Defendant RREF is a Delaware limited liability company. **Ex. 1-C** at p. 1.

B. The amount in controversy exceeds \$75,000.

12. Diversity jurisdiction exists when the amount in controversy exceeds \$75,000. *See* 28 U.S.C. § 1332(a).

13. This lawsuit concerns a commercial promissory note in the original principal amount of \$100,000. **Ex. 1-C** at ¶ 11.

14. In their Original Petition, Plaintiffs seek injunctive and declaratory relief, which is sufficient to meet the amount in controversy requirements of as set forth in 28 U.S.C. § 1446(c)(2)(A).

15. Because there is complete diversity of parties and the amount in controversy exceeds \$75,000, removal is proper under 28 U.S.C. § 1332(a) and 1441(a).

16. This Notice has been made in a timely manner, pursuant to 28 U.S.C. § 1446(b). No proceedings have occurred in the Hidalgo County District Court, Case No. C-7760-14-H. Defendants have not yet filed an answer or other pleadings in that case.

III. OTHER REQUIREMENTS

17. Attached to this notice as **Exhibit 1**, and pursuant to Southern District of Texas Local Rule 81, is an index that includes copies of all pleadings, process, orders, and other filings in the state court action, as required by 28 U.S.C. § 1446(a).

18. RREF will promptly provide notice of the removal of this action to Plaintiffs and to the Hidalgo County District Court, by filing a “Notice of Filing of Removal,” together with a

copy of this "Defendant's Notice of Removal," in the 389th Judicial District of Hidalgo County, Texas, and by serving copies of the same on Plaintiffs pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Defendant hereby gives notice of removal of Hidalgo County District Court Case No. C-7760-14-H to the United States District Court, Southern District of Texas, McAllen Division, and respectfully requests that all future proceedings be held in this Court

Dated: October 17, 2014

Respectfully submitted,

By: 

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**ATTORNEYS FOR DEFENDANT
RREF CB SBL ACQUISITIONS, LLC,**

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of October 2014, a true and correct copy of the foregoing document was served by facsimile on the following counsel of record:

Jana Smith Whitworth
Law Office of Antonio Villeda
5414 North 10th Street
McAllen, Texas 78504


Rachel Kingrey